

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78084 of 2023

Arising Out of PS. Case No.-895 Year-2023 Thana- MADHEPURA District- Madhepura

Raju Mukhiya Son Of Late Bhagwat Mukhiya Resident Of Village - Bhirkhi,
Garib Tola, Ward No.26, At Present Resident Of Village - Bhan Tekthi, Police
Station - Madhepura, District - Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Madhepura P.S. case
No. 895 of 2023 instituted for the offences under Sections
413, 414, 34 of the Indian Penal Code, Section 21(b) of N.D.P.S.
Act, Sections (1-B)a, 26 and 35 of the Arms and Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

3. Prosecution allegation, in short, is that the one
loaded pistol along with one live cartridge, two mobile and cash
amount were recovered from the house of the petitioner. 2.1
liters Wiscof cough syrup has also recovered in this case.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 30.08.2013 and has four



criminal antecedents of similar nature. Charge-sheet has been submitted in this case. The petitioner has falsely been implicated in the present case. No any independent witness has signed on the production-cum-seizure list. The petitioner has falsely been implicated in the present case. No recovery was made from the conscious possession of the petitioner. The petitioner has been implicated at the instance of his enemies.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura P.S. case No. 895 of 2023.

(Rudra Prakash Mishra, J)

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